



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,347	11/19/2001	Yuichiro Ogawa	109808	8515
25944	7590	03/11/2005	EXAMINER	
OLIFF & BERRIDGE, PLC			KNABLE, GEOFFREY L	
P.O. BOX 19928			ART UNIT	
ALEXANDRIA, VA 22320			PAPER NUMBER	
			1733	

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/988,347

Applicant(s)

OGAWA ET AL.

Examiner

Geoffrey L. Knable

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4 and 12 is/are pending in the application.
- 4a) Of the above claim(s) 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11-1-2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 1, 2004 has been entered.

2. Note: Applicant has given claim 12 an incorrect status identifier. As noted in the final rejection of 7-1-2004, previously new claim 12 relates to a new grouping (i.e. IV) that is distinct from those previously claimed (and therefore also from elected group I) for the reasons detailed in the 7-1-2004 office action. As such, claim 12 should be identified as "withdrawn."

3. Applicant's election with traverse of group I, claims 1-4 in the reply filed on 4-5-2004 is acknowledged, and the additional traverse of the holding of claim 12 non-elected in the 12-1-2004 response is also acknowledged. The traversal is on the ground(s) that a search for one would encompass a search for all. This is not found persuasive because the separate and distinct parts of the tires that are being formed in each method grouping present significantly different considerations in search and examination such that a serious burden would be presented to search/examine each in the same application. In other words, specifics relating to winding of the belt/tread assembly have very little to do with winding non-belt/tread components and thus the search and examination considerations are significantly different. Again however, it is

noted that rejoinder of a combination claim such as claim 12 will be considered if appropriate at that time upon indication of allowable subject matter.

The requirement is still deemed proper and is therefore made FINAL.

4. Claim 12 is withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the replies filed on 4-5-2004 and 12-1-2004.

It is again noted however that rejoinder of a combination claim such as claim 12 will be considered if appropriate at that time upon indication of allowable subject matter for the subcombination.

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 2 and 3 (and 12) are objected to because of the following informalities: There are no periods after the claim numbers. Appropriate correction is required.

7. Claims 1, 3 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Landsness (US 4,279,683) or DE 19831747 to Continental alone or (under 35 USC 103(a) only) either of these references taken further in view of Tokunaga et al. (US 5,380,384 – newly cited).

Landsness and DE '747 are applied for substantially the same reasons as set forth in the last office action. As to the new requirement that the strip be wound from a radially outer side to a radially inner side, with respect to Landsness, since the winding of the sidewall is completed with a single winding device, it is considered to have been

Art Unit: 1733

implicit in the disclosure of this reference that at least one of the sidewalls would include winding from the radially outer side to the inner side. In other words, although fig. 6 would suggest an outward winding direction for the left hand sidewall part, a continuation of the winding would require (or certainly would have been read by the artisan as rendering it obvious) that the winding for the right-hand sidewall be from radially outside to inside as claimed. As such, this reference is considered to suggest or render obvious a winding as claimed. As to DE '747, although the reference illustrates the winding as proceeding from the beads 12 towards the belts 13, i.e. from inside to outside, a partial automated machine translation of page 7, lines 36-43 indicates that this winding direction suggestion is prefaced by "usually"¹ and as such, it is submitted that the ordinary artisan would have considered this as implicitly suggesting the winding can alternatively proceed inwardly. Alternatively, even if not deemed implicit, it is submitted that the suggestion that the winding "usually" goes from beads towards the belts, would have certainly rendered it obvious to the ordinary artisan to reverse the winding direction for only the expected results.

As to the step of radially outward expanding a cylindrical carcass, it is again submitted that such is implicit or obvious from Landsness and DE '747 for the reasons

¹ The submitted text and machine translation are as follows: Translation: "While usually the edition procedure beginning within the bulge range 12 progresses in the direction of the bracing plies 13 of the carcass, also its turning on the elbow segment 6 takes place apart from the vertical adjustment of the roll head, so that an even edition of the extruded and formed rubber strip either beside-no-other-lying or overlapping into the shoulder range 14 of the tire carcass can take place."

German text: "Während der üblicherweise im Wulstbereich 12 beginnende Auflagevorgang in Richtung auf die Gürtellagen 13 der Karkasse fortschreitet, erfolgt neben der Höhenverstellung des Rollkopfes auch dessen Schwenkung auf dem Bogensegment 6, so daß eine gleichmäßige Auflage des extrudierten und geformten Gummistreifens entweder nebeneinanderliegend oder überlappend bis in den Schulterbereich 14 der Reifenkarkasse erfolgen kann."

Art Unit: 1733

already of record. Tokunaga et al. has been applied to further buttress this position of the conventional nature of such a tire building step, this reference further indicating that it is desirable to add the sidewall to the tire after this outward expanding step (as in Landsness and DE '747) – note esp. figs. 2f-2h.

8. Applicant's arguments filed 12-1-2004 have been fully considered but they are not persuasive.

Applicant arguments stress especially that the prior art does not teach that the successive winding is from the radially outer side to radially inner side. For reasons detailed in the statement of rejection above, however, it is submitted that both DE '747 and Landsness teach or render obvious such a step. The rejection over JP '506 has however been withdrawn as being less relevant than the remaining prior art against the claims as amended. Applicant also urges that this winding direction provides advantages in suppressing crack formation. However, such an advantage is apparently not discussed in the original disclosure and further no objective evidence has been provided in support thereof. As such, any assertion of unexpected results in this regard is unsupported by objective evidence. Further, it should be noted at least to the extent that the prior art rejection is under 35 USC 102, unexpected results would not be sufficient to overcome such a rejection.


9. Note: the prior art cited on the 11-1-2004 IDS has been crossed off as these references were previously cited and made of record.

Art Unit: 1733

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 571-272-1220. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on 571-272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Geoffrey L. Knable
Primary Examiner
Art Unit 1733

G. Knable
March 9, 2005